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| 10/812,624      | 03/30/2004  | Cedric G. DeLaCruz   |                     | 3467             |

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| EXAMINER |
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3691

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01/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/812,624

**Applicant(s)**

DELACRUZ, CEDRIC G.

**Examiner**

BIJENDRA K. SHRESTHA

**Art Unit**

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-21 are presented for examination. Applicant filed non-compliant amendment on 02/28/2008. Further to Examiner request to submit the amendment based preliminary amendment filed On 03/30/2004, Applicant filed second amendment on 09/24/2008 amending claims 1, 7-8, 10, 14, 17 and 21. After careful consideration of applicant's arguments and amendments, new grounds of rejections of claims necessitated by Applicant's amendment are established in the instant application as set forth in detail below. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al., U.S. Patent No. 6,741,969 (reference A in attached PTO-892) in view of Sandholm et al., U.S. Patent No. 6,272,473 (reference B in attached PTO 892) further in view of Walker et al., U.S. Patent No. 6,138,106 (reference C in attached PTO-892).
3. As per claim 1 and 14, Chen et al. teach a method for selling gift certificates and/or store credits to one or more bidders on the Internet (see Fig. 1), comprising:

receiving individual gift certificates and/or store credits from two or more distinct unrelated sellers, each gift certificate and/or store credit independently having an undesirable value associated with each one independently (see Fig. 1; column 1, lines 43-50, 64-66; column 2, lines 15-26);

combining gift certificates and/or store credits from the two or more distinct unrelated sellers as a single item, wherein each of the gift certificates and/or store credits when combined represent a desirable combined value thereby rendering the combined value more usable at a single retail entity (see column 20, lines 14-27);

receiving, from or more bidders, at least one bid for the single item; and selling the single item to a winning bidder (see Fig. 8; column 17, lines 8-28) wherein the winning bidder receives the gift certificates and/or store credits.

Chen et al. do not teach combinatorial auction involving combining gift certificates and/or store credits from the two or more distinct unrelated sellers as a single item for auction.

Sandholm teaches combinatorial auction allowing the bidders to place bids for combinations of items instead of only on individual item (or gift certificate) (see Sandholm, column 1, lines 40-65).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add combinatorial auction allowing the bidders to place bids for combinations of items instead of only on individual item (or gift certificate) of Chen et al. because Sandholm teaches including above feature would enable bidders to

exchange more value for combination of properties than they would for individual elements of combination, if alone and aggregated (Sandholm, column 1, lines 51-55).

Chen et al. do not teach transaction with previously used gift certificates.

Walker et al. teach transaction with previously used gift certificates (Walker et al., Fig. 8B, step 182; column 9, lines 60-67 to column 10, lines 1-2; where remaining balance of previously used gift certificates are used to purchase merchandise of record having a value at or below the value of gift certificate code as shown in Fig. 8A, step 166).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to include transaction with previously used gift certificates of Chen et al. because Walker et al. teach including above feature would enable to purchase any additional merchandise with remaining balance of a used gift certificate (Walker et al., column 10, lines 3-10).

Walker et al. further teach combining more than one gift certificates by accumulating large initial code value representing desirable whole dollar amount enabling user to purchase item desired (Walker et al., column 8, lines 56-62).

4. As per claim 2, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 1 as described above. Chen et al. further teach the method wherein

the two or more sellers' gift certificates and/or store credits are combined to approximate a certain predetermined value threshold (column 4, lines 42-43; column 20, lines 14-27).

5. As per claim 3, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 1 as described above. Chen et al. further teach the method wherein

a value limit is set for winning bid for the single item, wherein the limit does not exceed the face value of each of the plurality of gift certificates and store credits and bids in excess of the predetermined value limit will be automatically reduced to the value limit (see Fig. 12, column 20, lines 65-67 to column 21, lines 1-20).

6. As per claim 4, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 1 as described above. Chen et al. further teach the method wherein

the sellers will split the proceeds of the sale of the single item according to the respective percentages their respective gift certificate and/or store credit contributed to the total value of the single item (see column 20, lines 14-27; the Examiner interprets that account is reconciled accordingly with the seller providing the reward points and the seller providing the gift certificate or incentives).

7. As per claim 5 and 16, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 1 and 14 as described above. Chen et al. further teach the method wherein

providing proceeds from the sale of the one or more gift certificates and/or store credits to the one or more sellers, wherein the proceeds is the sale price of the one or more gift certificates and/or store credits minus a commission (see Fig. 10, step 1060; column 16, lines 44-51).

8. As per claim 6 and 15, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 1 and 14 as described above. Chen et al. further teach the method wherein

receiving a payment from the winning bidder via a credit card (see fig. 9, step 970; Fig. 10, step 1020).

9. As per claim 7 and 17, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 1 and 14 as described above. Chen et al. further teach the method wherein

the predetermined value limit is at a maximum equal less than of the face value of the gift certificate and/or store credit (see column 8, lines 64-66).

10. As per claim 8, Chen et al. teach a system for selling gift certificates and/or store credits (see Fig. 1) comprising:

means for combining gift certificates and/or store credits from two or more sellers (see Fig. 7; Redeem Rewards Module (720); column 20, lines 14-27);

means for receiving bids for the gift certificates and/or store credits; and means for selling the gift certificates and/or store credits to one or more bidders (see Figs. 1 and 8-10).

Chen et al. do not teach combinatorial auction involving combining gift certificates and/or store credits from the two or more distinct unrelated sellers as a single item for auction.

Sandholm teaches combinatorial auction allowing the bidders to place bids for combinations of items instead of only on individual item (or gift certificate) (see Sandholm, column 1, lines 40-65).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add combinatorial auction allowing the bidders to place bids for combinations of items instead of only on individual item (or gift certificate) of Chen et al. because Sandholm teaches including above feature would enable bidders to exchange more value for combination of properties than they would for individual elements of combination, if alone and aggregated (Sandholm, column 1, lines 51-55).

Chen et al. do not teach transaction with previously used gift certificates.

Walker et al. teach transaction with previously used gift certificates (Walker et al., Fig. 8B, step 182; column 9, lines 60-67 to column 10, lines 1-2; where remaining balance of previously used gift certificates are used to purchase merchandise of record having a value at or below the value of gift certificate code as shown in Fig. 8A, step 166).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to include transaction with previously used gift certificates of Chen et al. because Walker et al. teach including above feature would enable to purchase any additional merchandise with remaining balance of a used gift certificate (Walker et al., column 10, lines 3-10).



Walker et al. further teach combining more than one gift certificates by accumulating large initial code value representing desirable whole dollar amount enabling user to purchase item desired (Walker et al., column 8, lines 56-62).

11. As per claim 9, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 8 as described above. Claim 9 is rejected under same rational as claim 4 described above.

12. As per claim 10, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 8 as described above. Claim 10 is rejected under same rational as claim 7 described above.

13. As per claim 11, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 8 as described above. Chen et al. further teach the system wherein the gift certificates and/or store credits are combined to approximate a predetermined whole dollar value (see column 20, lines 14-27).

14. As per claim 12, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 8 as described above. Claim 12 is rejected under same rational as claim 5 described above.

15. As per claim 13, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 8 as described above. Chen et al. further teach the system comprising:  
means for verifying the authenticity of the one or more gift certificates and/or store credits (see Fig. 3, Credit/debit card module (390); Fig. 9, step 970; column 19, lines 32-37; Fig. 10, steps 1030 and 1040; column 19, lines 52-54; where registered credit/debit card authenticates gift certificates credits).

16. As per claim 18, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 14 as described above. Chen et al. further teach the method of combining gift certificate and/or store credit to purchase a single item (see column 20, lines 14-27).

Chen et al. do not teach the method wherein two or more sellers can combine gift certificates and/or store credits from a common entity and sell the combined gift certificates and/or store credits as a single item.

Sandholm teaches combinatorial auction allowing the bidders to place bids for combinations of items instead of only on individual item (or gift certificate) (see Sandholm, column 1, lines 40-65).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add combinatorial auction allowing the bidders to place bids for combinations of items instead of only on individual item (or gift certificate) of Chen et al. because Sandholm teaches including above feature would enable bidders to exchange more value for combination of properties than they would for individual elements of combination, if alone and aggregated (Sandholm, column 1, lines 51-55).

17. As per claim 19, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 14 as described above. Claim 19 is rejected under same rational as claim 13 described above.

18. As per claim 20, Chen et al. in view of Sandholm further in view of Walker et al. teach claim 14 as described above. Claim 20 is rejected under same rational as claim 11 described above.

19. As per claim 21, Chen et al. teach (currently an apparatus for facilitating a transaction between a buyer and at least one of a plurality of sellers (see Fig. 1; column 10, lines 16-22), comprising:

a storage device (see Fig. 1; column 10, lines 29-34); and

a processor connected to the storage device, the storage device storing a program for controlling the processor (see Fig. 1, Processing System (101)); and

the processor operative with the program to receive individual gift certificates and/or store credits from two or more independent sellers for auction (see Fig. 8; Fig. 11)

receive bids for the gift certificates and/or store credits (see Fig. 8; step 820; column 17, lines 8-28);

receive payment for the gift certificates and/or store credits ; and  
provide payment to each of the sellers of the gift certificates and/or store credits (see Fig. 9, step 970; Fig. 10, steps 1020, 1030 and 1060; the Examiner interprets payments are reconciled with each seller including web-site operator).

Chen et al. do not teach the method wherein two or more sellers can combine gift certificates and/or store credits from a common entity and sell the combined gift certificates and/or store credits as a single item.

Sandholm teaches combinatorial auction allowing the bidders to place bids for combinations of items instead of only on individual item (or gift certificate) (see Sandholm, column 1, lines 40-65).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add combinatorial auction allowing the bidders to place bids for combinations of items instead of only on individual item (or gift certificate) of Chen et al. because Sandholm teaches including above feature would enable bidders to exchange more value for combination of properties than they would for individual elements of combination, if alone and aggregated (Sandholm, column 1, lines 51-55).

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Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to include transaction with previously used gift certificates of Chen et al. because Walker et al. teach including above feature would enable to purchase any additional merchandise with remaining balance of a used gift certificate (Walker et al., column 10, lines 3-10).

Walker et al. further teach combining more than one gift certificates by accumulating large initial code value representing desirable whole dollar amount enabling user to purchase item desired (Walker et al., column 8, lines 56-62).

***Response to Arguments***

20. New grounds of rejections of claims necessitated by Applicant's amendment are established in the instant application. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

21. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. Applicant is required under 37 CFR 1.111(c) to consider references fully when responding to this action.

The following are pertinent to current invention, though not relied upon:

Andrews (U.S. Patent No. 6,285,986) teaches method of and apparatus for interactive automated registration, negotiation, and marketing for combining products and services from one or more vendors together to be sold as a unit.

Brazilai et al. (U.S. Patent No. 6,012,045) teach computer-based electronic bid, auction and sale system, and a system to teach new/non-registered customers how bidding, auction and purchasing works.

Johnson et al. (U.S. Patent No. 6,047,274) teach bidding for energy supply that stimulates competition between energy suppliers.

Messner (U.S. Patent No. 6,370,514) teach method and system for quantifying cash flow recovery and risk.

Postrel (U.S. Patent No. 6,594,640) teach system for electronic barter, trading and redeeming points accumulated in frequent use reward programs.

Peterson et al. (U.S. Patent No. 7,016,873) teach method for marketing and redeeming vouchers for use in online purchases.

Sachs (U.S. Patent No. 6,240,397) teaches method for transferring, receiving and utilizing electronic gift certificates.

Whitfield (U.S. Patent No. 7,209,889) teaches secure system for the issuance, acquisition, and redemption of certificates in a transaction network.

Walker et al. (U.S. Patent No. 6,330,544) teach system and process for issuing and managing forced redemption voucher having alias account numbers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is

(571)270-1374. The examiner can normally be reached on 7:00AM-4:30 PM (Monday-Friday); 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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